

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

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CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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BY _____ DEPUTY

April 14, 2015

MEMO TO COUNSEL RE: Jasmine Jones v. Aero Service Group, Inc., et al.
Civil No. JFM-13-3027

Dear Counsel:

I have reviewed the memoranda submitted in connection with plaintiff's motion for leave to file second amended complaint. The motion (document 89) is granted in part and denied in part.

The motion is granted to the extent that plaintiffs seek to add 18 opt-in plaintiffs as named plaintiffs. The motion is denied to the extent that it seeks to add a new claim under the Maryland Wage Payment and Collection Law.

Defendants consent to the portion of the motion that I am granting. As to the new claim under the MWPLC, I am persuaded that the Court of Appeals' decision in *Marshall v. Safeway, Inc.*, 437 Md. 542 (Md. 2014) constituted a sufficient change under Maryland law that plaintiffs should have sought to amend the complaint much earlier. Although a rule of Maryland law may have changed during the pendency of this litigation, it was incumbent upon plaintiffs to bring the change in the law to the court's attention promptly, not simply to allow the delay in the litigation to provide them with time to assert new claims that substantially affect defendant's potential liability.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,



J. Frederick Motz
United States District Judge